CLASSIFICATION OFFICE DECISION

Title of publication:	cutie-240-023.jpg
Other known title(s):	Not stated
OFLC ref:	1500030.023
Medium:	Computer Image File Printout
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Secretary for Internal Affairs
Classification:	Unrestricted.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	27 March 2015
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	27 March 2015

Summary of reasons for decision:

The computer image file printout does not deal with any matters under s3(1) of the Films, Videos and Publications Classification Act 1993, nor do s3A or s3B of the Act apply. The publication is therefore unrestricted.

The image on the printout is an example of commercial photography. It shows a young teenage girl posing in a floral bikini in a manner that displays her body. However, the girl is not photographed in a manner that deliberately draws attention to her sexual parts: the effect is "sexy" rather than sexual. The extent and degree to which the image is sexualised is insufficient to bring the publication within the s3(1) "subject matter gateway".

The right freedom of expression set out in the New Zealand Bill of Rights Act 1990 has been considered. An unrestricted classification is consistent with s14 of that Act, which requires the least restrictive interpretation to be placed on a publication where the case is marginal.